

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.**

August 6, 2003

MINUTES

1. Call to Order.

Mayor Simpson called the Meeting to order at 5:30 pm and announced that a quorum was present.

Those present were:

Mayor Simpson
Mayor Pro-Tem Maso
Deputy Mayor Pro-Tem Lafata (entered at 5:32 p.m.)
Council member Allen
Council member West
Council member Joyner
Council member Felker

Staff present were:

City Manager George Purefoy
Deputy City Manager Henry Hill
Assistant City Manager Scott Young
Assistant City Manager Jason Gray
City Secretary Nan Parker
City Attorney Richard Abernathy
Cissy Sylo, Director of Engineering Services
Director of Planning & Development Services John Lettelleir

2. Recess into Closed Session as authorized by the Texas Government Code

Council member Joyner moved to recess into Closed Session at 5:30 p.m. Council member Allen seconded the Motion. Motion carried. Vote: 5-0. Mayor Simpson announced the Council was in Closed Session at 5:30 p.m. as authorized by Texas Local Government Code, to wit:

- a) Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- b) Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289;
 - ii. south of FM 3537, north of Warren Parkway, east of Dallas North Tollway, and west of Hillcrest Road.
- c) Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
 - i. boundary issues with McKinney and The Colony,
 - ii. MUDs, Water Districts and other governmental entities that may be created in or near the City, and
 - iii. Cause No. 366-891-02; *Steve Nichols, et al. vs. Kathleen A. Seei*; In the 366th Judicial District Court of Collin County, Texas.
- e) Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.
- f) Section 551.074. Evaluation of City Manager.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Deputy Mayor Pro-Tem Lafata moved to reconvene into Regular Session at 6:30 p.m. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

No action was taken as a result of the Closed Session.

4. Invocation.

Don Gray, Rejoice Lutheran Church offered the invocation.

5. Pledge of Allegiance.

Boy Scout Troop #187 led the audience in the Pledge of Allegiance.

6. Citizen Input. (To begin approximately at 7:30 p.m.)

John Brady was present to address the Council regarding the process for continued education of individuals interested in the Frisco Community Theatre. Discussion only, no formal action was taken.

7. Reports.

- a) Presentation from Judge Ron Harris regarding traffic issues in Collin County, Clean Air and the upcoming Collin County Bond Election.
- b) Keep Texas Beautiful Certificate of Merit Presentation by Pippa Couvillion
- c) TAMI Award Presentation by Dana Baird-Hanks
- d) Planning & Development Monthly Report
- f) Parks and Recreation Monthly Report
- g) Engineering Services Department Report
 - i. Main Street
 - ii. North County Road
 - iii. Coit Road
 - iv. Highway 121
 - v. Monthly Report
- e) A presentation to the City Council on the new Interactive Zoning & Development Guide. (Planning & Development)
- f) Project Status Tracking Reports

8. Consent Agenda

The Consent Agenda was considered for approval. Council member Allen moved to remove item M for separate discussion. Council member West seconded the Motion. Motion carried. Vote: 6-0.

Council member Felker moved to remove Item D for separate discussion. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Council member Allen moved to approve the Consent Agenda, excluding items D. and M. Council member West seconded the Motion. Motion carried. Vote: 6-0.

A. Approval of Minutes of the Tributary Field Trip and approval of the Minutes of the Regular City Council Meeting of July 15, 2003. (City Secretary)

B. Adoption of **Resolution 03-08-135R** therein authorizing the City Manager to execute a contract with Frisco Independent School District for paying one-half of the non-grant funded salary expenses for police officers assigned to the schools in a school resource officer program. (Police)

C. Adoption of **Resolution 03-08-136R** therein authorizing the City Manager to enter into an Agreement with Via Partnership, LLC, for the creation of a Public Art's Master Plan for the amount of \$40,075.00. (Planning & Development)

D. Adoption of a Resolution authorizing the City Manager to execute an agreement with the Frisco Developers Council for the placement of kiosk signs identifying new housing communities. (Planning & Development)

Mayor Pro-Tem Maso moved to table until August 19, 2003. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

E. Approval of the Quarterly Investment Report. (Finance)

F. Approval of Change Order Number 1 to RLK Engineering, LLC, in the amount of \$16,690.00 for Ohio Drive, Phase 1 and 2 (Lebanon Drive to Wade Boulevard). (Engineering)

G. Approval of the purchase of two (2) Cab and Chassis with Dump Bodies through an Interlocal Agreement with HGAC. (Public Works)

H. Adoption of Resolution 03-08-137R therein authorizing the City Manager to execute a light pole site Lease Agreement with T-Mobile Wireless at the Shawnee Trail Park location. (City Manager's Office/KH)

I. Adoption of **Ordinance 03-08-61** therein amending Frisco Ordinance Nos. 98-02-10 and 98-03-19, relating to Frisco's existing gas franchise agreement with TXU Gas Company. (City Manager's Office/KH)

J. Adoption of **Ordinance 03-08-62** with Oncor Electric Deliver Company to extend the current electric franchise agreement through March 30, 2004. (City Manager's Office/KH)

K. Adoption of **Ordinance 03-08-63** to deny the TXU Gas Rate Case application. (City Manager's Office/KH)

L. Approval to award Bid 0307-078 and adopt **Resolution 03-08-138R** therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and Cunningham Movers for the moving of Lebanon Baptist Church from 4000 Preston Road to Heritage Park. (City Manager's Office)

M. Consider and act upon approval of an Easement Agreement by and between Oncor Electric Distribution and the City of Frisco.

Council member Allen moved to **table the item until August 19, 2003**. Council member West seconded the Motion. Motion carried. Vote: 6-0.

END OF CONSENT AGENDA

9. Legislative Agenda

The Legislative Agenda was considered for approval. Deputy Mayor Pro-Tem Lafata moved to approve the Legislative Agenda as submitted. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

A. Adoption of **Ordinance 03-08-64** amending Planned Development-128 to allow the additional use of Townhomes and to modify development standards to reduce the amount of open space, reduce building setbacks, and increase lot coverage required of a townhome development on 38.7+ acres on the west side of the Dallas North Tollway, 420± feet south of Stonebrook Parkway. Zoned Planned Development-128-Multifamily-2/Commercial-1. Neighborhood #22. Applicant(s): Texas Univest – Frisco, Ltd. Zoning Case Z2002-0029. (Planning & Development)

B. Adoption of **Ordinance 03-08-65** amending Ordinance Number 02-09-99, (Engineering Design Standards and Construction Details, Section W and Sheets S01, S04 and S07). (Engineering)

C. Adoption of an **Ordinance 03-08-66** annexing 33.3+ acres situated in the M.E.P. and P.R.R. Survey, Abstract No. 919 in Denton County, Texas. Requested by the City of Frisco for Land Advisors (Case A03-0017) (City Secretary)

D. Call for Public Hearing: Request to call for a public hearing to rezone 33.3+ acres on the south side of Witt Road, 1,300+ feet west of FM 423 from Agricultural to Single Family-5. Neighborhood #43. Applicant: City of Frisco. (Planning & Development)

E. Adoption of **Ordinance 03-08-67** to amend Subdivision Regulation Ordinance Amendment SA03-0004. A request to amend Section 5.02(6) of the Subdivision Regulation Ordinance to update the requirements for monumentation being provided on plats in accordance with the city's Monumentation System. (Engineering)

END OF LEGISLATIVE AGENDA

10. Approval of a sign request in the median of Eldorado Parkway at the intersection with Preston Road. Applicant(s): Panther Creek Joint Ventures. Tabled 07/01/2003. (Planning & Development)

John Lettelleir requested the item remain on the table until the September 2, 2003 Meeting.

Mayor Pro-Tem Maso moved to leave the **item tabled until September 2, 2003 Meeting**. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

11. Public Hearing: Subdivision Regulation Ordinance Amendment SA03-0005, A request to amend Section 7.09(12)(C) of the Subdivision Regulation Ordinance to update the requirements for residential street lighting. Applicant(s): City of Frisco (Engineering)

Deputy Mayor Pro-Tem Lafata moved to open the Public Hearing. Council member West seconded the Motion. Motion carried. Vote: 6-0.

Council member Joyner moved to close the Public Hearing. . Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Council member Allen moved to approve the request as submitted. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

12. Public Hearing: Zoning Case ZA02-0025, A request to amend the Comprehensive Zoning Ordinance regarding the definition and regulation of temporary, portable, and moved-in buildings and consider and act to instruct staff to prepare an Ordinance of the same. Applicant(s): City of Frisco. (Planning & Development)

Council member West moved to open the Public Hearing. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

Billy Echols-Richter spoke in favor of the request.

There being no one else present to speak for or against the request, Council member Felker moved to close the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Council member West moved to approve the request subject to:

- a) The temporary building to be allowed initially for a maximum of three years.
- b) Request for one-year extensions after the expiration of the three years to be approved by the Planning & Zoning Commission, with an appeal process to the City Council for denials.
- c) Subject to adoption of the Ordinance.

Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

13. Public Hearing: Subdivision Regulation Ordinance Amendment SA2003-0003, A request to amend the Subdivision Regulation Ordinance regarding thoroughfare screening requirements and consider and act to instruct staff to prepare an Ordinance of the same. Applicant(s): City of Frisco. (Planning & Development)

Council member Allen moved to open the Public Hearing. Council member West seconded the Motion. Motion carried. Vote: 6-0.

There being no one else present to speak for or against the request, Mayor Pro-Tem Maso moved to close the Public Hearing. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Council member Joyner moved to **table the item until the August 19, 2003**. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Maso made a motion to move item 17 up for discussion. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

14. Public Hearing: Zoning Case Z03-0015, A request to amend Planned Development-173-Retail/Office-2/Information and Technology on 116.7± acres located at the southwest corner of Main Street and the Dallas Parkway. Neighborhood #40 and consider and act to instruct staff to prepare an Ordinance of the same. Applicant(s): Oakmont Capital Group, Inc. (Planning & Development).

Council member Allen moved to open the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

There being no one else present to speak for or against the request, Council member Joyner moved to close the Public Hearing. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Council member Allen moved to approve the request subject to changing the double row of trees on Main Street to a single row of trees and the preparation of the ordinance for adoption. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Council member Felker made a motion to move Item 16 for up for discussion. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

15. Public Hearing: Zoning Case ZA03-0003, A request to consider amending the Comprehensive Zoning Ordinance with regard to the Off-Street Parking Requirements in the Original Town Commercial (OTC) zoning district and consider and act to instruct staff to prepare an Ordinance of the same. Applicant(s): City of Frisco (Planning & Development)

Trent Cantrell was present to address the Council for an amendment to the Comprehensive Zoning Ordinance regarding Off-Street Parking Requirements.

Deputy Mayor Pro-Tem Lafata moved to open the Public Hearing. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

There being no one else present to speak for or against the request, Council member West moved to close the Public Hearing. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Maso moved to instruct staff to draft an ordinance and bring the ordinance back for final adoption, subject to clarifying that surplus parking resulting in an occupancy change shall be placed immediately back in the parking pool for future use. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

16. Discussion of Preston Trace Estates utility easement update (Santa Rosa Street and Santa Clara Street) Neighborhood #11. (Planning & Development)

Deborah Jones, 8582 Santa Clara was present to address the Council regarding her fence and the size of her lot. She stated that all utility companies have easy access onto her property.

Staff was instructed to coordinate a meeting with homeowners and utility companies to review the issue and report back at a later date.

17. Award bid and Adoption of Resolution authorizing the City Manager to enter into an Agreement for Construction Services for Eldorado Parkway Bridge, contingent upon obtaining the necessary easements. Tabled 06/17/03, 7/1/03, 7/15/03 (Engineering)

Cissy Sylo requested the item be tabled until the August 19, 2003 Meeting. Following discussion, Council member Joyner moved to **table the item until the August 19, 2003 Meeting**. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Maso to move item 23 forward. Council member West seconded the Motion. Voting Aye: Council member Allen, Council member West, Mayor Pro-Tem Maso, Deputy Mayor Pro-Tem Lafata, Council member Joyner. Voting Nay: Council member Felker. Motion carried. Vote: 5-1.

18. Adoption of Resolution adopting the Fiscal Year 2004 Certified Appraisal Roll and Approve the Certification of Anticipated Collection Rate and Excess Collections. (Finance)

Council member Joyner moved to adopt **Resolution No.03-08-139R** therein adopting the Fiscal Year 2004 Certified Appraisal Roll and the Certification of anticipate collection rate and excess collections. Council member West seconded the Motion. Motion carried. Vote: 6-0.

19. Consider and Accept the Effective Tax Rate Calculations for the Fiscal Year 2004. (Finance)

Nell Lange was present to address the Council regarding the Effective Tax Rate Calculations. Ms. Lange stated the effective tax rate calculations for the Fiscal Year 2004 showed the effective tax rate as .325102 per \$100.00 valuation.

Following discussion, Council member Allen moved to accept the effective tax rate calculations for the fiscal year 2004. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

20. Adoption of Resolution Calling for a Public Hearing on the City of Frisco FY 04 Budget, Frisco Economic Development Corporation FY 04 Budget, and the Frisco Community Development Corporation FY 04 Budget. (Finance)

Deputy Mayor Pro-Tem Lafata moved to adopt **Resolution 03-08-140R** therein calling a public hearing for August 19, 2003 on the proposed City of Frisco FY 04 Budget, Frisco Economic Development Corporation FY 04 Budget, and the Frisco Community Development Corporation FY 04 Budget. Council member Felker seconded the Motion. Motion carried. Vote: 6-0.

21. Appointment of one (1) alternate to the Board of Adjustments – Alternate III. (City Secretary)

City Secretary Nan Parker presented the Council with the three names of individuals that were willing to serve as alternates on the Board of Adjustment. Mayor Simpson opened the floor for nominations.

Council member Joyner nominated Bill Hayes. Deputy Mayor Pro-Tem Lafata nominated Mina Castaneda. Council member Felker moved that nominations cease. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

Voting Aye for Bill Hayes: Council member Allen, Council member West, Mayor Pro-Tem Maso, Council member Joyner and Council member Felker. Voting Nay: Deputy Mayor Pro-Tem Lafata. Motion carried. Vote: 5-1. Bill Hayes was appointed by a majority vote.

22. Adoption of Resolution of the City Council of the City of Frisco, Texas, determining a public necessity to acquire certain property; giving notice of an official determination to acquire property for soccer complex; hereby authorizing the City Manager of the City of Frisco, Texas, to establish procedures for acquiring property; and appropriating funds. (City Manager's Office/SY)

Scott Young was present to address the Council regarding the need to acquire property

Council member Allen stated that the properties are not homesteads and the approval tonight is not the institution of condemnation proceedings.

Following discussion, Deputy Mayor Pro-Tem Lafata moved to adopt **Resolution No. 03-08-141R** therein determining a public necessity to acquire certain property; giving notice of an official determination to acquire property for soccer complex; hereby authorizing the City Manager of the City of Frisco, Texas, to establish procedures for acquiring property; and appropriating funds. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

23. Adoption of Resolution authorizing the City Manager to enter into an Agreement by and between Lennar Homes of Texas Land and Construction, Ltd. and the City of Frisco for the purchase of 3.728 acres of land that is located at the southeast corner of Eldorado Parkway and Burlington Northern Santa Fe Railroad. (City Manager's Office/SY)

Council member Allen moved to adopt **Resolution No. 03-08-142R** therein authorizing the City Manager to enter into an Agreement by and between Lennar Homes of Texas Land and Construction, Ltd. and the City of Frisco for the purchase of 3.728 acres of land that is located at the southeast corner of Eldorado Parkway and Burlington Northern Santa Fe Railroad subject to final review by the City Attorney. Deputy Mayor Pro-Tem Lafata seconded the Motion. Motion carried. Vote: 6-0.

24. Consider and act upon approval of whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning

Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.

No action was taken.

Sp1. Consider and act upon approval of an impact fee agreement with Legacy Christian Academy

Mr. Purefoy recommended that the item be tabled until the August 12, 2003 City Council Work Session. Following discussion, Deputy Mayor Pro-Tem Lafata moved to **table the item until the August 12, 2003 Work Session**. Council member Joyner seconded the Motion. Motion carried. Vote: 6-0.

25. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Staff was instructed to visit with homeowners regarding Santa Clara and report back at a later date.

26. Discussion on Governance Monitoring of present City Council Meeting.

Council member Joyner monitored the current meeting and gave the council a good rating. Discussion only, no formal action was taken.

27. Adjourn.

There being no additional business, the meeting was adjourned at 10:10 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan S. Parker, City Secretary